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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,767	09/17/2003	Michelle R. Hay		6397

32993 7590 10/19/2005

MILLER LAW GROUP, PLLC  
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EXAMINER
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LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/665,767

Applicant(s)

HAY ET AL.

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/17/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 9/17/03 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 38, referring to the frame members of the stroller. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 3, 4, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. To the best degree of understanding, Examiner observes the "mounting member" of claims 3, 4, and 14 to in fact be the retainer strap (19) found on the bottom portion (13) of the container (11) (page 11, lines 12-15). In light of claims 3 and 14, it would appear that this mounting member is detachable from the floor member. In light of claim 4, this same mounting member is still claimed as being detachable, but is then made non-detachable when it is claimed being sewn to the floor member, unless applicant intends the act of ripping the stitches out to render the mounting member detachable. Being a hook-and-loop strip, it is unclear whether applicant is claiming the mounting member being detachable from the floor member, detachable in the sense that its hook-and-loop portions are detachable from one another, or detachable in the sense that it detachably holds the floor support (20).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (4,577,903) in view of Bowermaster (4,506,903), and further in view of Marquardt (D319,132) and Challoner et al. (5,429,254). Wells discloses an accessory for wheeled carriage having a frame supported on the ground by wheels (14) and terminating in hand grips (24) for manually pushing the carriage over the surface of the ground, comprising: a container defined by upright walls formed of flexible fabric (col. 3

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lines 44-47), which is a cloth; the upright walls including attachment devices operable to detachably mount the container to the carriage, the walls being joined to a floor member at a lower terminus thereof; but fails to disclose a rigid floor support connected beneath the floor member and having a plurality of wheels affixed thereto, the rigid floor support being received within pockets formed on the lower surface of the floor member to be selectively detachable therefrom; wherein the floor member includes a detachable mounting member that is operable to wrap around the floor support when received within the pockets

Bowermaster, however, teaches that it is old and well known in the art to affix wheels to the bottom of a wheeled carriage accessory so that the wheels may support the accessory vertically as they rest on the ground (col. 2 lines 12-21). This takes some weight and stress off of the frame of the wheeled carriage, weight and stress that the accessory would otherwise impose on the frame of the carriage if fully supported thereon without the use of wheels.

Now, Marquardt teaches a rigid floor support located beneath a bag, the floor support having a plurality of wheels affixed thereto, but fails to teach just how the rigid floor support is attached to the bottom surface, or floor member, of the bag. Challoner et al., however, teaches that a rigid floor support (12) having a plurality of wheels can be attached to the bottom surface of a bag by inserting the ends (22&26) of the rigid floor support into two pockets (20&24) formed on the floor member of the bag and by further including hook-and-loop straps (44&46) attached to the floor member of the bag that wrap around the floor support when it is received in the two pockets.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accessory of Wells by taking a rigid floor support, such as that taught by Marquardt, and mounting it to the bottom of the accessory, in the way taught by Challoner et al., in order to reduce the weight and stress applied directly to the frame of the wheeled carriage, as taught by Bowermaster.

Regarding the limitations set forth in claim 4, Official Notice is taken to the fact that it is old and well known in the art for hook-and-loop-fastened straps, such as those disclosed by Challoner et al., to be sewn, or attached with stitches, to the bags with which they function. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach these straps by sewing them to the wheeled carriage accessory. Furthermore, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Wells in view of Bowermaster, and further in view of Marquardt, which is capable of being used in the intended manner, i.e., the container being collapsible into a transport configuration against the floor support when detached from the carriage. There is no structure in Wells in view of Bowermaster, and further in view of Marquardt that would prohibit such functional intended use (see MPEP 2111).

Regarding the limitations set forth in claim 11, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Wells in view of Bowermaster, and further in view of Marquardt, which is capable of being used

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in the intended manner, i.e., in an operating position in which the attachment devices are engaged with the carriage and also the floor member supporting at least a portion of any items carried in the apparatus when mounted to the carriage. There is no structure in Wells in view of Bowermaster, and further in view of Marquardt that would prohibit such functional intended use (see MPEP 2111).

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 6 above in view of Hamilton (6,672,321). The art as applied in paragraph 6 above discloses the claimed invention including: the upright walls being formed into a circumferential enclosure around the floor member; two of the attachment devices being attached to opposite sides of an upper portion of the upright walls to provide two attachment devices for each hand grip of the carriage and two being attached to a lower portion of the walls to facilitate engagement with the frame of the carriage; and the upper portion terminating in an opening through which access into the container can be gained; but fails to disclose the attachment devices being hook-and-loop strips. Hamilton, however, teaches that a flexible bag accessory (29) can be mounted to the frame of wheeled carriage device (10) using hook-and-loop strips (32,33,50,&51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accessory of the art as applied in paragraph 6 above by using hook-and-loop fasteners on the straps connecting the accessory to the frame of the wheeled carriage, as taught by Hamilton, in order to securely attach the accessory to the frame while also making it easy to detach.

Regarding the limitations set forth in claim 8, the accessory of the art as applied in paragraph 6 above discloses an upper portion (top of the bag) that includes a stiffening rod (the handle of the carriage) extending between two of the opposing attachment devices (42&44 of Wells, opposed in that they are placed opposite each other on the front and rear portion of each side wall) which are positioned adjacent (they are contiguous or touching, thus adjacent) the carriage when mounted thereto.

Examiner recognizes that claim 8 is intended to claim a stiffening rod attached directly to the bag along the upper edge, but the art as set forth in this paragraph effectively satisfies the limitations of this claim as they are currently written. To the degree that Examiner understands applicant's desired stiffening rod, the following rejection is set forth.

8. Claim 8 is also rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 7 above in view of Shipman (1,844,872). The art as applied in paragraph 7 above discloses the claimed invention except for a stiffening rod extending between two of the opposing attachment devices along the upper portion. Shipman, however, teaches that it is old and well known in the art to include individual stiffening rods on the individual sides of a suspended fabric bag/container (claim 4) in order to maintain the bag in an extended or open configuration (col. 1 lines 24-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accessory of the art as applied in paragraph 7 above by including stiffening rods in one or all of the sides of the upper surface, as taught by Shipman, in order to maintain the container in an open configuration and to



prevent the upper edges of the container from sinking inward which would inhibit access to the interior via the opening in the top of the container. By extending along the upper surfaces, the stiffening rods would effectively extend between opposing attachment devices.

9. Claims 9, 10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 6 above in view of Jackson (6,186,662). The art as applied in paragraph 6 above discloses the claimed invention except for the central portion of the container being formed from a semi-transparent material to permit a viewing of any contents within the container. Jackson, however, teaches a cloth container with a central section (12) formed from a mesh or netting material, which allows the contents of the container to be seen from the outside.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accessory of the art as applied in paragraph 6 above by forming the central portion of the container from a semi-transparent material, as taught by Jackson, in order to allow the user to view the contents of the container without having to reach in and search.

10. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 9 above in view of Hamilton (6,672,321). The art as applied in paragraph 9 above discloses the claimed invention except for the attachment devices being hook-and-loop strips. Hamilton, however, teaches that a flexible bag accessory (29) can be mounted to the frame of wheeled carriage device (10) using hook-and-loop strips (32,33,50,&51). Therefore, it would have been obvious to one

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having ordinary skill in the art at the time the invention was made to modify the accessory of the art as applied in paragraph 9 above by using hook-and-loop fasteners on the straps connecting the accessory to the frame of the wheeled carriage, as taught by Hamilton, in order to securely attach the accessory to the frame while also making it easy to detach.

Regarding the limitations set forth in claim 16, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by the art as applied in paragraph 9 above, which is capable of being used in the intended manner, i.e., having the mounting member wrap around the folded upright wall when in the transport position and around the floor member when in the operating position. There is no structure in the art as applied in paragraph 9 above that would prohibit such functional intended use (see MPEP 2111).

Regarding the limitations set forth in claim 18, the accessory of the art as applied in paragraph 9 above discloses an upper portion (top of the bag) that includes a stiffening rod (the handle of the carriage) extending between two of the opposing attachment devices (42&44 of Wells, opposed in that they are placed opposite each other on the front and rear portion of each side wall) which are positioned adjacent (they are contiguous or touching, thus adjacent) the carriage when mounted thereto. Examiner recognizes that claim 18 is intended to claim a stiffening rod attached directly to the bag along the upper edge, but the art as set forth in this paragraph effectively satisfies the limitations of this claim as they are currently written. To the degree that

Examiner understands applicant's desired stiffening rod, the following rejection is set forth.

11. Claim 18 is also rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 10 above in view of Shipman (1,844,872). The art as applied in paragraph 10 above discloses the claimed invention except for a stiffening rod extending between two of the opposing attachment devices along the upper portion.

Shipman, however, teaches that it is old and well known in the art to include individual stiffening rods on the individual sides of a suspended fabric bag/container (claim 4) in order to maintain the bag in an extended or open configuration (col. 1 lines 24-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accessory of the art as applied in paragraph 10 above by including stiffening rods in one or all of the sides of the upper surface, as taught by Shipman, in order to maintain the container in an open configuration and to prevent the upper edges of the container from sinking inward which would inhibit access to the interior via the opening in the top of the container. By extending along the upper surfaces, the stiffening rods would effectively extend between opposing attachment devices.

12. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraphs 10 and 11 above in view of Miller et al. (5,702,038) and Ziegler et al. (5,863,061). The art as applied in paragraphs 10 and 11 above discloses the claimed invention except for the carriage being a stroller convertible into a folded transport configuration. Miller et al., however, teaches that it is known in the art to

suspend storage accessories from the handles of strollers (Figures 2&3). Also, Ziegler et al. teaches that it is known in the art for strollers to be collapsible into transport configurations (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the accessory of the art as applied in paragraphs 10 and 11 above to a known collapsible stroller, such as that taught by Ziegler et al., by attaching the accessory to the rear of the stroller, as taught by Miller et al., in order to provide additional storage space on the stroller and to better organize the child's things.

Regarding the limitations set forth in claim 20, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by the art as applied in paragraphs 10 and 11 above which is capable of being used in the intended manner, i.e., the upright wall and floor member of the container being positionable against the stroller when it is in the transport configuration without requiring detachment thereof. There is no structure in the art as applied in paragraphs 10 and 11 above that would prohibit such functional intended use (see MPEP 2111).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

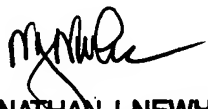
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 7-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER